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**From:** Bartley, Richard [Bartley.Richard@epa.gov]  
**Sent:** 4/23/2019 6:25:20 PM  
**To:** Donaldson, Guy [Donaldson.Guy@epa.gov]; Smith, Suzanne [Smith.Suzanne@epa.gov]; Stenger, Wren [stenger.wren@epa.gov]; Payne, James [payne.james@epa.gov]; Jones, Bruced [Jones.Bruced@epa.gov]  
**CC:** Shar, Alan [shar.alan@epa.gov]; Feldman, Michael [Feldman.Michael@epa.gov]  
**Subject:** Texas SSM SIP Call - NPRM Update  
**Attachments:** Texas SSM SIP Call - NPRM - Pre-publication version- April 23, 2019.pdf

All –

So, here is the pre-publication version of the signed FRN with disclaimer language. Still waiting to hear back on DOJ's thoughts, as discussed below, before sending to Janis Hudson at TCEQ.

Rick

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**From:** Bartley, Richard  
**Sent:** Tuesday, April 23, 2019 11:56 AM  
**To:** Donaldson, Guy <Donaldson.Guy@epa.gov>; Smith, Suzanne <Smith.Suzanne@epa.gov>; Stenger, Wren <stenger.wren@epa.gov>; Payne, James <payne.james@epa.gov>; Jones, Bruced <Jones.Bruced@epa.gov>  
**Cc:** Shar, Alan <shar.alan@epa.gov>; Feldman, Michael <Feldman.Michael@epa.gov>  
**Subject:** FW: PRF - looking for signed copy  
**Importance:** High

All –

Janis Hudson (TCEQ) would like a signed copy of the Texas SSM SIP Call NPRM sent to her (see emails below). Since Texas is one of the parties to the SSM SIP Call litigation in the D.C. Circuit, OGC would like to check with DOJ before we email the signed NPRM to see whether DOJ would like to contact Texas themselves or whether it would be okay for us to just email the signed copy to TCEQ. I'll let you know what DOJ says, as soon as I hear. I suppose the same issue would be for requests we receive from other parties to the challenge of the national SSM SIP Action.

Thanks,

Rick

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**From:** Janis Hudson <janis.hudson@tceq.texas.gov>  
**Sent:** Tuesday, April 23, 2019 9:42 AM  
**To:** Bartley, Richard <Bartley.Richard@epa.gov>  
**Subject:** PRF - looking for signed copy  
**Importance:** High

I also left you a vm message about this.

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**From:** "Gray, David" <gray.david@epa.gov>  
**Date:** April 23, 2019 at 7:11:00 AM CDT  
**To:** Toby Baker <Toby.Baker@tceq.texas.gov>, Stephanie Bergeron Perdue <Stephanie.Bergeron Perdue@tceq.texas.gov>  
**Subject:** Heads Up

Embargoed – Do not distribute, cite or quote

GM Toby and Stephanie,

A quick heads up that I am scheduled to sign this action later today for publication in the Federal Register within about 10 days.

Best,

David

Today, the EPA Region 6 is proposing to find that the affirmative defense provisions in Texas's SIP applicable to excess emissions that occur during upsets (30 TAC 101.222(b)), unplanned events (30 TAC 101.222(c)), upsets with respect to opacity limits (30 TAC 101.222(d)), and unplanned events with respect to opacity limits (30 TAC 101.222(e)) do not make Texas's SIP substantially inadequate to meet the requirements of the Act. Accordingly, the EPA Region 6 is proposing to withdraw its finding of substantial inadequacy with regard to Texas's SIP and to withdraw the SIP call issued to Texas that was published on June 12, 2015 (80 FR 33968-9).